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Attorneys for The Trial Lawyers College

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING
 CASPER DIVISION

THE TRIAL LAWYERS COLLEGE, a
 nonprofit corporation

Plaintiff,

v.

GERRY SPENCES TRIAL LAWYERS
 COLLEGE AT THUNDERHEAD
 RANCH, *et al.*

Defendants.

CIVIL ACTION NO. 1:20-cv-0080

JUDGE CARSON

MAGISTRATE JUDGE FOURATT

**AFFIDAVIT OF CHRISTOPHER K. RALSTON IN SUPPORT OF
MOTION TO SET ATTORNEYS' FEES AND COSTS ASSOCIATED WITH
DEFENDANT JOHN JOYCE AND COUNSEL NINA HODJAT'S
SANCTIONABLE AND CONTEMPTUOUS CONDUCT**

**STATE OF LOUISIANA
PARISH OF ORLEANS**

BEFORE ME, the undersigned authority, personally came and appeared,

CHRISTOPHER K. RALSTON

Who being first duly sworn, did depose and say:

1. I am a partner with Phelps Dunbar LLP ("Phelps Dunbar"), the law firm that represents Plaintiff The Trial Lawyers College ("Plaintiff" or "TLC") in this Civil Action.
2. From May 2020 to date, the Plaintiff has employed Phelps Dunbar as its counsel, and that myself, Lindsay Calhoun, James Gilbert and Matthew Slaughter are respectively the Trial Attorneys for Plaintiff, and that they that have primarily worked on this matter with other attorneys at Phelps Dunbar. Harry Rosenberg, a partner at Phelps Dunbar, and Rose Berlow, a paralegal at Phelps Dunbar, have also provided legal services in this Civil Action.
3. Prior to joining Phelps Dunbar, I was a judicial law clerk to the Honorable Eldon E. Fallon in the United States District Court for the Eastern District of Louisiana.
4. I am a partner in the Commercial Litigation Group at Phelps Dunbar with a concentration on corporate and business disputes for the last ten years; I graduated from College of William & Mary in 1992; I received my J.D. from Tulane Law School in 1999.
5. The hourly attorney rates Phelps Dunbar charged for this matter ranged between \$250 to \$510.00 per hour.
6. I was admitted to the Louisiana State Bar in April of 2000 and I practice in the areas of commercial litigation, general business litigation, and intellectual property litigation. I have over 21 years of experience representing clients in the areas of commercial litigation and general business litigation. I am also a recipient of the following commendations: *Chambers USA: America's Leading Lawyers for Business*, *The Best Lawyers in America*, and *Louisiana Super Lawyers*.
7. Mr. Rosenberg was admitted to practice law in 1972; after completion of a two-year judicial clerkship in 1974, he practiced in the private sector at Phelps Dunbar continuously from 1974 through 1990. In 1991, he became United States Attorney for the Eastern District of Louisiana and returned to private practice at Phelps Dunbar in 1993. Mr. Rosenberg provided legal services exclusively related to pleadings for contempt and sanctions. He has been recognized in *Chambers USA: America's Leading Lawyers for Business*, *The Best Lawyers in America*, *Super*

Lawyers, New Orleans Magazine – Top Lawyers, Benchmark Litigation – Local Litigation Star, among others. Mr. Rosenberg serves as counsel to the Phelps Dunbar law firm and per the firm's internal procedures, he must review and approve any motion for sanctions prior to filing.

8. Ms. Calhoun was admitted to the Louisiana State Bar in 2013. Ms. Calhoun graduated from Tulane Law school, *summa cum laude*, and was awarded Order of the Coif. Prior to working at Phelps Dunbar, Ms. Calhoun clerked for the Honorable Yvette Kane of the United States District Court for the Middle District of Pennsylvania. Ms. Calhoun has a burgeoning intellectual property practice and routinely provides counsel for trademarks, trade secrets, patents, and copyright infringement. Ms. Calhoun has been recognized by *Chambers USA: America's Leading Lawyers for Business*, *The Best Lawyers in America: Ones to Watch* (2021-2022), and *Louisiana Super Lawyers Rising Stars List* (2018-2022). She is a Member of the Intellectual Property Law Section of the American Bar Association, the Louisiana State Bar Association, and serves on Southeast Louisiana Legal Services' Advisory Board.

9. Mr. Gilbert was admitted to the Louisiana State Bar in 2015. Mr. Gilbert graduated from Tulane Law School in 2015, *magna cum laude*, and was awarded Order of the Coif. Prior to working at Phelps Dunbar, Mr. Gilbert clerked for the Honorable Jane Triche-Milazzo of the Eastern District of Louisiana. He specializes in complex commercial litigation cases and has been recognized by *The Best Lawyers in America: Ones to Watch* (2021-2022) for his accomplishments and expertise in commercial litigation.

10. Mr. Slaughter is an attorney licensed to practice in the States of Louisiana and Alabama. He was admitted to the Louisiana State Bar in 2017 and was admitted to the Alabama State Bar in 2015. Mr. Slaughter graduated from the University of Alabama School of Law in 2015. Prior to joining Phelps Dunbar, Mr. Slaughter clerked for the Honorable Robert G. James and the Honorable Karen L. Haynes, both at the United State District Court for the Western District of Louisiana. Mr. Slaughter has been recognized by *The Best Lawyers in America: Ones to Watch* (2021-2022) for commercial and construction litigation. He also currently serves on the board of directors of the New Orleans Pro Bono Project.

11. Ms. Berlow is a paralegal who has practiced in the legal services industry for over twelve years. Her standard hourly rate is \$150 per hour.

12. I have made myself familiar with rates charged by attorneys in the District of Wyoming; and both the rates charged and the time expended were fair and reasonable in light of the experience and background of the attorneys involved, the complexity of the legal and factual issues, and the prevailing rates that attorneys charge in the Wyoming area¹ and for the nature of this litigation.

13. The total attorneys' fees and costs incurred by Plaintiff as a result of Defendant John Joyce's and Counsel Nina Hodjat's contemptuous and sanctionable conduct were \$43,155.00. An exhibit with the relevant invoice entries have been attached *en globo* as Exhibit 1.

¹See *Large v. Fremont County*, No. 05-CV-0270, 2013 WL 12342417, at *7 (D. Wyo. Sept. 20, 2013) (noting "out-of-state counsel may be compensated at rates over the local . . . billing rates for legal service" and awarding \$425.00/hour to the "lead attorney," \$300/hour, \$250/hour, and \$210/hour to the non-lead attorneys).

14. The matters I set forth in this Affidavit are true and correct and based upon my personal knowledge, information and belief.



CHRISTOPHER K. RALSTON

Sworn to and subscribed before me,
this 12 day of April, 2022.


NOTARY PUBLIC